IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE EIGHTEENTH DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION No. 200 of 2005

Between:

B.Rajasekhar S/o.Pochaiah
Nagar Ramagundam, Karimnagar District. ..... PETITIONER

AND

Union of India, rep. by its Divisional Railway Manager (Commercial)
South Central Railway Secunderabad.

.....RESPONDENT

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court will be pleased to issue a writ of mandamus or any appropriate writ or order or directions to the respondent to allow the contractor to continue for a further period of one year i.e from 1.3.2005 to 28.2.2006 on the same license fee of Rs.68,551/- per year and pass such other order/orders deem fit and proper in the interest of principles of natural justice.

Counsel for the Petitioner : Mr.G.SANYASI RAO

Counsel for the Respondent : Mr.G.S.SANGHI, SC FOR RAILWAYS

The Court made the following :

ORDER:

Heard the learned counsel for petitioner and the learned Standing Counsel for Railways.

This writ petition is filed seeking a direction to the respondent to allow the petitioner to continue for a further period of one year i.e. from 1-3-2005 to 28-2-2006 on the same licence fee of Rs.68,551/- per year in respect of Cycle/Scooter stand contract at Ramagundam Railway Station premises and consequently to suspend the notification issued by the Respondent dated 15.12.2004 calling for tenders for running Cycle/Scooter stand in the Railway Station premises for a period of two years.

The case of the petitioner is that he was awarded Cycle/Scooter stand contract at Ramagundam Railway Station in the year 1999 for a period of two years and he was regularly paying the licence fee as per the terms and conditions and that the licence was renewed till 2003. He states that he was awarded further contract from 1.3.2003 to 28.2.2005, on a licence fee of Rs.68,551/-, which according to him, is too excessive and that he sustained loss during the said period. It is also stated that the petitioner has made a representation to the respondent authorities to extend the contract period for one more year, keeping in view the loss sustained by him and the same is pending consideration. While so, the respondents issued present notification dated 15.12.2004, which was published in the newspaper on 19.12.2004, calling for tenders in respect of the contract in question for a period of two years from the permitted date of contract. Hence, the present writ petition is filed seeking a direction to the respondents to allow the petitioner to continue the contract for a further period of one year on the same license fee of Rs.68,551/-.

The petitioner cannot seek a direction for continuation of the contract for a period of one more year on the ground that he has sustained loss. The award of contract is commercial in nature and consideration of extension of contract, if any, is purely within the domain of respondent authorities. There are no merits in the writ petition warranting interference of this Court. Accordingly, the writ petition is dismissed. However, the petitioner is at liberty to participate in the auction pursuant to the notification dated 15.12.2004.

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Date: 18.1.2005 N.V.RAMANA, J

DA/DSR

To

1. The Divisional Railway Manager (Commercial),

   Union of India, South Central Railway Secunderabad.

2. Two CD copies.